

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

May 2004

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Members:

*Sen. Michael F. Brennan, Chair
Sen. John L. Martin
Sen. Carol Weston*

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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special Session*

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla/billsumm.htm).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY	Ruled out of order by the presiding officers; bill died
INDEF PP	Bill Indefinitely Postponed
ONTP.....	Ought Not To Pass report accepted
OTP-ND	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Health and Human Services

The amendment proposed to retain the provision on administrative appeals of informal reviews. The amendment proposed to clarify the use of existing and available records, limit the application of total recoupment and limit proof that services or goods were actually provided to situations in which the provider has proven by a preponderance of the evidence that the goods or services were medically necessary, MaineCare-covered goods or services. The amendment proposed to correct an error in current law that pertains to the Department of Human Services' terminating or suspending the participation of a provider in the MaineCare program.

Enacted Law Summary

Public Law 2003, chapter 613 clarifies that for purposes of recovering overpayments to providers under the MaineCare program, overpayments do not include overestimates made as part of prospective interim payments, 3rd-party liability recovery, departmental administrative error or receivership fees or debt. The law also clarifies that if the Department of Human Services proves that records of goods or services are defective, it may impose a penalty or sanction, which may include total recoupment. The law defines "overpayment" and adds an exclusion for certain routine adjustments of \$2,500 or less. The law clarifies the use of existing and available records, limits the application of total recoupment and limits proof that services or goods were actually provided to situations in which the provider has proven by a preponderance of the evidence that the goods or services were medically necessary, MaineCare-covered goods or services. The law corrects an error in current law that pertains to the Department of Human Services' terminating or suspending the participation of a provider in the MaineCare program.

LD 1706

An Act To Ensure Appropriate Care and Custody of Children

PUBLIC 626

<u>Sponsor(s)</u> DOUGLASS CRAVEN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-466
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LD 1706 proposed that the State would assert and maintain jurisdiction over any child orphaned in the State by domestic violence. Additionally, the bill proposed to require the Department of Human Services to develop procedures either through rulemaking or proposed legislation that would ensure a timely investigation, similar to that required in adoptions, with a guardian ad litem appointed for the child before permanent placement or visitation rights are ordered. The bill also proposed to require the Commissioner of Public Safety to adopt rules to aid in ensuring that the Department of Human Services is involved in a timely fashion.

Committee Amendment "A" (S-466) proposed to replace the bill and change the title. The amendment proposed to authorize the Department of Human Services to provide short-term emergency services to children in the event of certain homicides and require the department to perform emergency assessments for temporary placements in those situations. The amendment proposed to direct the Office of the Attorney General to develop protocols for law enforcement for notification to the Department of Human Services, Bureau of Child and Family Services. The amendment proposed to direct the Department of Public Safety to develop a plan for providing criminal history record information and protection from abuse order information to the bureau when the bureau is performing an emergency assessment under the Maine Revised Statutes, Title 22, section 4023, subsection 8.

Enacted Law Summary

Joint Standing Committee on Health and Human Services

Public Law 2003, chapter 626 authorizes the Department of Human Services to provide short-term emergency services to children in the event of certain homicides and requires the department to perform emergency assessments for temporary placements in those situations. The law directs the Office of the Attorney General to develop protocols for law enforcement for notification to the Department of Human Services, Bureau of Child and Family Services. The law directs the Department of Public Safety to develop a plan for providing criminal history record information and protection from abuse order information to the bureau when the bureau is performing an emergency assessment under the Maine Revised Statutes, Title 22, section 4023, subsection 8.

LD 1709 **An Act To Clarify Financial Management Procedures at the Maine Developmental Disabilities Council** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM	S-401

LD 1709 proposed to authorize the Maine Developmental Disabilities Council to borrow funds in anticipation of receipt of its operating revenues from the federal government. It proposed to specify that such borrowing would be a legal obligation of the council and not a liability, debt or pledge of credit of the State of Maine. The bill also proposed to authorize the council to select its officers and to clarify that the council is a body corporate and politic and that council members are not personally liable for acts of the council.

Committee Amendment “A” (S-401) proposed to replace the bill. The amendment proposed to authorize the Maine Developmental Disabilities Council to borrow funds in anticipation of receipt of operating revenues and to clarify that such borrowing is authorized only under the following conditions: the borrowing must be for current operating expenses; it must be for a term not to exceed 13 months; and it must be for an amount not to exceed 25% of the council’s annual budget in the preceding fiscal year. The amendment proposed to retain the provision of the bill that specifies that any debt of the council is the legal obligation solely of the council and is not a liability, debt or pledge of the credit of the State or of any municipality or subdivision of the State. It also proposed to authorize the council to select its officers and to clarify that the council is a body corporate and politic and that members of the council may not be held personally liable for acts of the council.

LD 1713 **Resolve, To Establish the Commission To Study Access to Prescription Medication for Persons with Mental Illness** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN DUDLEY	ONTP	

LD 1713 proposed to establish the Commission to Study Access to Prescription Medication for Persons with Mental Illness. The resolve proposed to require the commission to study the following issues: limitations to access to prescription medication presented by the availability of treating psychiatrists in various counties in the State, whether medication is being prescribed in situations in which other mental illness interventions might be more appropriate, and whether prescriptive authority for psychotropic drugs should be extended to other health care professionals.